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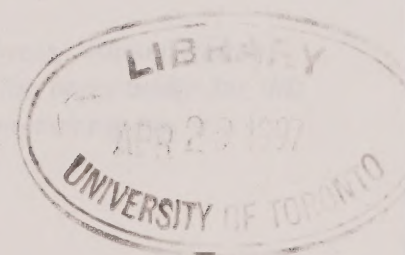
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Discussion Paper

A review of the application and use of the Statement of Environmental Values in the Ministry of Health

September 1995



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Ministry of Health - Statement of Environmental Values A Review of Its Use in Decision-Making in the Ministry

INTRODUCTION:

Goals and Description of the Review Process

On November 15, 1994, the Ministry of Health finalized its Statement of Environmental Values (SEV) as required by the Environmental Bill of Rights (EBR). The SEV explains how the ministry considers the purposes of the EBR in decision-making that might significantly affect the environment. It also states that these purposes will be taken into account and integrated along with other factors such as social, economic and scientific considerations. Ministry managers are required to document their consideration of the SEV in developing proposals for new or amended acts, policies, regulations and instruments that might significantly affect the environment.

The 14 ministries subject to the EBR agreed to conduct a public review of how the SEV is being applied during the first year of implementation. This document outlines the process of this review and the methods in use in the Ministry of Health for considering the SEV.

The goals of this review are:

1. To review the application of the SEV in decision-making as a requirement in the ministry's Statement of Environmental Values.

The Ministry of Health commits to a review of this Statement of Environmental Values after six months of implementation with a review to be completed prior to November 1995 with a report to the Environmental Commissioner.

The Ministry of Health affirms its commitment to the purposes of the Act and will give them due consideration within the ministry's mandate.

2. To solicit information, comment and recommendations from within the ministry and from outside groups and citizens concerned about the use of the SEV, and to improve where possible the SEV consideration process.

Consultation will include providers, consumers, employees, administrators and other stakeholders. This consultation will ensure the opportunity for this ministry's and the public's contributions when decision-making has a significant effect on the environment.

3. To increase the understanding of the processes and use of the SEV within the ministry for ministry staff, externally for interested individuals and groups.

INVITATION TO PARTICIPATE

You are invited to review this document of the process whereby the ministry considers the SEV in decisions that might significantly affect the environment. Please provide in writing any comments or suggestions you may have that might be incorporated to improve this process. The address and Fax number are at the end of this document.

HOW THE MINISTRY'S SEV WAS DEVELOPED

Under the EBR there are no prescribed Acts, Regulations or instruments for which the ministry is responsible. Therefore the development of the ministry's SEV addressed the eight purposes of the EBR, in concert with the ministry's strategies most directly linked to these purposes, and are based on the *determinants of health* outlined in the January 1993 report, *Our Environment - Our Health* published by the Premier's Council on Health, Well-Being and Social Justice and adopted by the ministry.

The Draft Statement of Environmental Values was developed beginning in January 1994, with circulation within the ministry for input and comment. The fifth and final draft was completed and approved by the Minister in early May 1994.

A public review of SEV content was undertaken between May 15 and August 15, 1994. This was conducted through the "posting" of the Statement on the Environmental Registry and the availability to the public of all 14 ministries' draft SEVs. In addition the Ministry of Health met with three major groups (Ontario Hospital Association; Ontario Healthy Communities Coalition and Association of District Health Councils of Ontario).

Notice was given on the Environmental Registry of changes made to the SEV as a result of the review, which also included discussion and dialogue with the Environmental Commissioner.

These changes included improved consistency of terminology across all ministry SEVs, greater detail in the ministry's environmental housekeeping strategy and distinction between a healthy and healthful environment. Further changes included, a statement that the ministry affirms its commitment to the purposes of the EBR and an explanatory reference to factors to be considered in the review of proposals as per the purposes outlined in section 2(2) 1-5 of the EBR and a specific reference to training of staff in the application of the SEV.

These changes were incorporated in the final version of the ministry's Statement of Environmental Values.

The ministry's SEV has since been made available to all interested groups with interest in the ministry and members of the general public who requested copies.

DESCRIPTION OF CONSIDERATION OF THE SEV IN DECISION-MAKING

The following is a summary of the procedures outlined in the ministry's internal document, "The Environmental Bill of Rights - What it means to you. A manager's guide to its application and use in the Ministry of Health" (March 1995).

The 14 ministries subject to the EBR are directed to consider their Statement of Environmental Values whenever decisions are made that might significantly affect the environment. This ministry has taken the position that ALL proposals and policies that go forward to the minimum level of Deputy Minister for approval must consider the SEV and review the content and purpose of the proposal for environmental significance.

Under the Environmental Bill of Rights the ministry is only required to give notice of proposals for Acts and policies effective April 1, 1995. The ministry is not required to give notice for instruments (permits, licences, approvals or any other document of legal effect). However, there are criteria and guidelines created by the ministry in the development of instruments that the ministry is obliged to apply its SEV to and to examine for environmental significance. If these are found to be environmentally significant, notice of these criteria and guidelines would be placed on the Registry.

For greater awareness among staff, the ministry is in the process of developing a list of its instruments for which criteria and guidelines could apply under the Act.

DETERMINING ENVIRONMENTAL SIGNIFICANCE

Guidelines developed for ministry managers are intended to provide a process for deciding whether the proposal under review might significantly affect the environment. These guidelines recognize that there is a continuum of public interest, impact and consequences, and that geographic extent may be local, regional or provincial. Therefore it is impossible to provide a single formula or entity that alone will determine environmental significance.

The guidelines further elaborate that environmental significance integrated with

social, economic and scientific considerations will lead the ministry to determine what level of public participation is required. At all times the minimum public participation will be the posting of the proposal on the Environmental Registry for public comment.

To determine if there is an environmental impact, the eight purposes of the EBR are used to elicit whether the proposal meets or does not meet these purposes:

The guidelines then lists various factors, such as geographic extent and degree of impact, which includes land, water, air, animal life, plant life and human health. The guideline also reminds employees that proposals may have a positive impact.

Managers are also provided with seven questions considered useful in triggering thoughts or aspects of a proposal that otherwise might not come to mind. The seven questions are not necessarily all-encompassing:

1. Does the proposal conflict with provincial environmental goals, objectives, plans, standards, criteria or guidelines where the proposal or undertaking is located?
2. Does the proposal have an effect on any unique, rare or endangered species, habitat or physical feature of the environment?
3. Does the proposal create a nuisance that may cause harmful environmental effects?
4. Does the proposal necessitate the irreversible commitment of any significant amount of non-renewable resources?
5. Does the proposal pre-empt the use, or potential use, of a significant renewable natural resource for any other purpose?
6. Does the proposal result in a measurable and significant detrimental effect on air or water quality, or on ambient noise levels of adjoining areas?
7. Does the proposal which impacts on the natural environment adversely affect human health?

CONSIDERATION OF THE SEV IN DECISION-MAKING

The Manager's Guide describes what the originating branch and proposer of a policy must determine when submitting a proposal:

- . *Does the proposal have an environmental impact?*
- . *Is the impact a significant one?*
- . *Does the proposal support the ministry's SEV?*

Although financial and/or administrative policies are exempt under the EBR, the Guide clearly states that these should not be dismissed automatically. Where any financial or administrative proposal affects any ministry strategy, especially those described in the SEV, it must be carefully reviewed to ensure that it has no effect on the natural environment and supports the ministry's SEV.

The Manager's Guide states:

If environmental significance has been identified, the minister is advised on a case by case basis and approval on proposed consultation sought. A briefing note must be appended identifying the type of impact, its significance and analysis of mitigation if the proposal is implemented.

DOCUMENTATION OF SEV CONSIDERATION

A scheduling form accompanies any proposal going forward for consideration to Senior Management Committee (Deputy Minister). This document, has been amended to include and specifically address the consideration of the SEV and environmental significance.

The process and forms

Ten steps are to be followed by any originating branch of the ministry. As documented in the Manager's Guide, these are:

STEP 1. The originating branch reviews proposal for environmental significance. If none, the EBR does not apply. Proceed with submission but ensure that you state on the scheduling form that the proposal has been reviewed for environmental significance and has no effect.

STEP 2. If the effect of the proposal has environmental impact, proceed to determine the significance of the impact, using the criteria in the Manager's Guide.

STEP 3. Establish whether or not the proposal supports the Ministry of Health's Statement of Environmental Values.

STEP 4. Prepare briefing note identifying the type of impact, its significance, and analysis of mitigation required were the proposal to be implemented. This includes your analysis and integration with all other decision factors, including integration

of social, scientific and technical considerations. The Note must contain recommendations for:

- the level and extent of public consultation
- an extension of the 30 day consultation period if required and,
- whether consultation exemption should be sought and on what grounds.

STEP 5. In conjunction with **STEP 4**, complete the Registry Proposal Form (RPF). This is the summary of the proposal, which if approved will be placed on the Registry by the Environmental Coordinator, before implementation. Send a copy of the RPF to the Coordinator.

STEP 6. French translation will be obtained by the Coordinator in anticipation of ministry approval.

STEP 7. Public consultation is completed and comments received by the Coordinator.

STEP 8. Review of comments by the originating branch, Assistant Deputy Minister (ADM) sponsor and Coordinator.

STEP 9. The Registry Decision Form (RDF) and Impact Statement are approved by the Minister and forwarded to the Coordinator for bilingual posting on the Registry. The Decision File is removed from the Registry after 60 days.

Section 36 (1) of the EBR states:

as soon as reasonably possible after a proposal for a policy, Act or regulation in respect of which notice was given under section 15 or 16 is implemented, the minister shall give notice to the public of the implementation.

STEP 10. Originating branch proceeds with policy implementation.

Note: The Registry Proposal Form and the Registry Decision Form templates are contained in the Registry Technical User manual provided to ministry managers.

EBR TRAINING AND GUIDANCE

Ministry staff have been made aware of the Environmental Bill of Rights through a variety of channels, including:

Distribution of the ministry's SEV to all senior managers, with notices on the ministry's electronic network about the EBR and the availability of the SEV through staff directors and managers and environmental displays and information sessions.

Written direction and assistance have been provided to managers in the ministry's *The EBR, What it means to you - A Manager's Guide to the application and use in the Ministry of Health and Environmental Bill of Rights - MOH's Environmental Registry Technical User Manual*.

The ministry's SEV states *ministry managers are accountable for ensuring compliance with the requirements outlined in this Statement of Environmental Values*. Therefore, a "trickle-down, train-the-trainer" approach has been adopted. Four half-day sessions have been held to date, attended by over 50 managers including ministry policy creators and advisers. In these sessions the purpose of the EBR and the ministry's SEV were explained in detail, including what the EBR applies to in the ministry and how to determine environmental significance.

Examples, particularly from other jurisdictions, were used to demonstrate the importance of reviewing proposals that on the surface might be thought to have no environmental significance but that were later proven to indeed have affected the natural environment and endangered species of wildlife.

Training and information sessions in the ministry continue.

TRACKING AND MONITORING

In its SEV the ministry committed to tracking and monitoring its application: *Processes will be developed through which the application of this SEV can be tracked and reviewed*.

Rather than create an additional layer of bureaucracy the ministry has amended the existing Senior Management Committee scheduling form to track and monitor compliance with the requirements of the EBR and the ministry's SEV.

Since the inception of the EBR we have looked at all policy proposals. To date and currently, there are no policies, Acts, Regulations or Instruments going forward that have been determined to have environmental significance.

CONCLUSION

The Statement of Environmental Values is a document new to the ministry and is a commitment by the ministry to observe and adhere to its obligations under the Environmental Bill of Rights. We believe we have introduced the means to monitor and track the application of the SEV, to alert ministry policy-makers to the purposes of the Act, and to determine the Environmental Significance of a proposal.

The ministry will continue its EBR/SEV awareness and training program and provide assistance to staff when uncertainty might exist.

QUESTIONS FOR REVIEWERS

The basic purpose of this review is to provide you with the status of the application and use of the SEV in the ministry and to ask you for your input through the following questions:

1. Do you agree that we have introduced the appropriate mechanisms to ensure the application of the SEV, and the tracking and monitoring of its use in the Ministry of Health?

If not, why not? What might be added to improve the process?

2. Is there any aspect or mechanism within the process you believe might benefit from change (addition or deletion)?

Please state your reasons.

3. Do you think the use of briefing notes, the Senior Management Committee scheduling form and sign-offs are effective accountability tools?

If not, how might this be improved?

4. In general, can you suggest any improvements?

Please answer the above questions in enough detail to illustrate your opinions clearly. Any other comments are welcomed.

Please submit your responses in **writing** no later than October 30th, 1995 to:

Environmental Protection Program Coordinator
Ministry of Health
Supply and Financial Services Branch
99 Adesso Drive
Concord ON L4K 3C7
Attention: John Regan

Telephone (416) 327-7164
Fax (416) 327-7312

